

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

EARL R. MAXWELL

PLAINTIFF

v.

Civil No. 07-2050

JOHN JOPLIN, Public Defender

DEFENDANT

O R D E R

Now on this 25th day of July, 2007, comes on for consideration the **Magistrate Judge's Report and Recommendation** (document #5, filed June 19, 2007), in this matter, to which no objections have been filed, and the Court, having carefully reviewed said Report and Recommendation, finds that it is sound in all respects, and that it should be adopted *in toto*.

IT IS THEREFORE ORDERED that the **Magistrate Judge's Report and Recommendation is adopted in toto**.

IT IS FURTHER ORDERED that, for the reasons stated in the Magistrate Judge's Report and Recommendation, plaintiff's Complaint is hereby **dismissed with prejudice**.

IT IS SO ORDERED.

/s/Jimm Larry Hendren
HON. JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE